

DECISION



On Budget, HAN-1
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**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-190182

DATE: September 5, 1978

**MATTER OF: Foreign Service - Travel Expenses on IPA
Assignments**

- DIGEST:**
1. The travel and transportation expenses of Foreign Service personnel incident to details made pursuant to the Intergovernmental Personnel Act are payable only insofar as authorized by 5 U.S.C. 3375(a), and that portion of the Federal Travel Regulations which implement the provisions cited therein.
 2. Where Foreign Service personnel receive permanent changes of duty station and Intergovernmental Personnel Act assignments, travel and transportation expenses incident to the permanent changes of duty station are payable under the Foreign Service Travel Regulations and travel and transportation expenses incident to the IPA assignments are payable pursuant to 5 U.S.C. 3375(a).

This action concerns the request of Daniel L. Williamson, Jr., Deputy Assistant Secretary for Budget and Finance, Department of State, for an advance decision concerning the proper authority for reimbursement of the travel and transportation expenses of Foreign Service personnel assigned to universities or to state and local governments under the Intergovernmental Personnel Act (IPA), 5 U.S.C. 3371-76 (1976).

The request shows that the Department of State is in the process of assigning Foreign Service personnel, some of whom are now located overseas, to IPA assignments within the United States. Pursuant to 22 U.S.C. 1136 (1970), the Secretary of State has been given the authority to issue regulations governing the travel and transportation expenses of Foreign Service personnel. In accordance with this authority the Secretary has promulgated Foreign Service Travel Regulations (FSR) which are published in Volume 6 of the Foreign Affairs Manual. Those regulations provide for coverage of virtually all foreign and domestic travel of Foreign Service personnel and their families, 6 FAM 111 (August 14, 1973). However, the IPA specifically authorizes payment of certain travel expenses pursuant to chapter 57 of title 5 of the United States Code, and these provisions are implemented by the Federal Travel Regulations (FTR) (FPMR 101-7, May 1973).

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The question asked, therefore, is which regulations apply to assignments of Foreign Service personnel under the IPA. In particular, there is considerable concern over the differences in allowable expenses under the two different sets of regulations when an employee stationed overseas receives an IPA assignment in the United States.

The IPA is codified at 5 U.S.C. 3371-76 (1976). Section 3372 authorizes the assignment of Federal employees to state and local governments, or institutions of higher education. Section 3375(a) authorizes payment of travel expenses in connection with such assignments as follows:

"(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with--

"(1) subchapter I of chapter 57 of this title, for the expenses of--

"(A) travel, including a per diem allowance, to and from the assignment location;

"(B) a per diem allowance at the assignment location during the period of the assignment; and

"(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

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"(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

"(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location."

The legislative history indicates that Congress intended this section to provide for the needs of Federal employees en route to, from, and during their IPA assignment. H. Rep. No. 1733, 91st Cong., 2d Sess. 20 (1970); S. Rep. No. 489, 91st Cong., 1st Sess. 20 (1969). Accordingly, while the travel expenses of Foreign Service employees are normally paid pursuant to the FSTR, such expenses incurred incident to an IPA assignment are payable only insofar as authorized by section 3375(a), supra, and that portion of the FTR which implements the provisions cited therein.

In applying the above principle to the assignment of a Foreign Service employee from overseas to an IPA assignment in the United States, it should be noted that an IPA assignment is viewed as a detail rather than a transfer of official station. Matter of James D. Broman, B-185810, November 16, 1976. Thus, if a Foreign Service employee stationed overseas retains his overseas location as his official duty station, and is simply detailed to an IPA assignment located in the United States, the employee is entitled only to the expenses listed in section 3375(a), supra. Any travel not attributable to official necessity would not be reimbursable, and the employee would normally be expected to travel directly from the overseas location to the location of the IPA assignment. FTR para. 1-2.5 (May, 1973).

A different situation would apply if the overseas location did not remain the employee's official station. For example, if

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a Foreign Service employee stationed overseas was transferred to a new duty station in Washington, D.C., the travel expenses incident to this transfer would be payable under the FSTR. If the employee was given an additional IPA assignment, the travel expenses incident to the IPA detail would be payable in accordance with section 3375.

We recognize that the differences in the two sets of regulations may cause concern, particularly the provisions relating to maximum weight limitations for shipment of household goods, and shipment of privately owned vehicles. However, in view of the specific language in section 3375(a), there is no basis for permitting payment of IPA travel expenses under the FSTR.

In view of the problems created by charging back and forth between the two different sets of travel regulations, and the special hardship this creates where overseas travel is involved, we suggest that the Department of State consider seeking legislative authority to pay IPA expenses pursuant to the Foreign Service Act and the FSTR. This would permit employees to return to the United States under the same regulations which governed their original assignment to overseas locations, and would permit consistent application of provisions relating to weight limitations, privately owned vehicles, etc. In this connection, the legislative history of the IPA indicates that Congress was concerned primarily with employees whose expenses would normally be covered by the FTR. Also, it does not appear that Congress specifically considered the special problems encountered by Foreign Service personnel whose expenses are normally paid pursuant to the FSTR.

Deputy

R. F. Keller
Comptroller General
of the United States